13th December 1938]

11. (1) If any question arises as to whether a place is or is not a temple as defined in this Act the question shall be referred for the decision of the Provincial Government and their decision shall be final. **Power to decide disputes.**

(2) The Provincial Government shall have power to exempt from the provisions of this Act such institutions as, in their opinion, are in the nature of family temples and may be exempted without prejudice to the objects of this Act.

12. In section 40 of the Madras Hindu Religious Endowments Act, 1926, the words and figures "Subject to the provisions of the Malabar Temple Entry Act, 1938," shall be inserted at the commencement. **Amendment of section 40, Madras Act II of 1927.**

Madras Act II of 1927.

Appendix VII.

[Vide item VII at page 160 supra.]

Rules under sub-section (2) of section 74-A of the Madras Local Boards Act, 1920.

MADRAS LOCAL FUND ASSISTANT ENGINEERS SERVICE.

1. In these rules, unless there is anything repugnant in the subject or context—

(1) a person is said to be "appointed to the Service" when in accordance with these rules he discharges for the first time the duties of a post borne on the cadre of the Service or commences the probation prescribed for members thereof;

(2) "approved probationer" means a member of the Service who has satisfactorily completed, or is deemed under sub-rule (7) or sub-rule (8) of rule 7 satisfactorily to have completed his period of probation and awaits appointment as a full member of the Service;

(3) "cadre" means the sanctioned strength of the Service;

(4) "discharge of a probationer" from the Service during the period of his probation means reverting him to the post previously held by him or on which he has a lien or if he was not holding any such post, dispensing with his services;

[13th December 1938

(5) "full member of the Service" means a member of the Service who has been appointed substantively to a permanent post borne on the cadre thereof;

(6) "Government" means the Government of Madras;

(7) "member of the Service" means a probationer, an approved probationer or a full member of the Service;

(8) "period of probation" of a member of the Service means the period of probation prescribed in these rules together with—

(*a*) the period until the issue of an order by the Government under sub-rule (5) of rule 7 declaring the probationer to have satisfactorily completed his period of probation; or

(*b*) the period for which the probation is extended under clause (ii) of sub-rule (4) or sub-rule (6) of rule 7; or

(*c*) the period referred to in sub-rule (7) or sub-rule (8) of rule 7 on the expiry of which, the probationer is deemed to have satisfactorily completed his period of probation; or

(*d*) the period until an order discharging the probationer under sub-rule (3), sub-rule (4) or sub-rule (6) of rule 7 takes effect;

(9) "prescribed authority" means the authority appointed by the Government for the purposes of these rules;

(10) "probationer" means a member of the Service who has not completed the period of his probation;

(11) "scheduled classes" means the communities mentioned in Annexure II to these rules; and

(12) "Service" means the Madras Local Fund Assistant Engineers Service.

2. *Constitution.*—The Service shall consist of such number of local fund assistant engineers as the Government may from time to time determine.

3. *Recruitment.*—(1) First appointment to the Service shall be made by the Government by direct recruitment or by transfer of a person in Government, Municipal or Local Board Service.

(2) Candidates for appointment to the Service shall be selected by the prescribed authority, subject to the approval of the Government.

4. *Temporary appointments.*—Where it is necessary in the public interest to fill immediately a vacancy in a post borne on the cadre of the Service, the prescribed authority may appoint a person whom he considers suitable for a period not exceeding three months on each occasion. A person so appointed shall not be regarded as a probationer in the Service or be entitled by

13th December 1938]

reason only of such appointment to any preferential claim to future appointment and he shall be replaced as soon as possible by a candidate selected for appointment under rule 3.

5. *Communal representation.*—(1) So far as qualified and suitable candidates of the communities concerned are available, appointments to the Service shall be made in the following order, namely:—

(i) One non-Brahman (Hindu).

(ii) One Muhammadan.

(iii) One non-Brahman (Hindu).

(iv) One Anglo-Indian or Christian or non-Asiatic.

(v) One Brahman.

(vi) One non-Brahman (Hindu).

(vii) One member of the scheduled classes.

(viii) One non-Brahman (Hindu).

(ix) One Muhammadan.

(x) One non-Brahman (Hindu).

(xi) One Anglo-Indian or Christian or non-Asiatic.

(xii) One Brahman.

Explanation.—The expression "Non-Brahman (Hindu)" shall include every community other than the Brahman, the Muhammadan, the Anglo-Indian, Christian or non-Asiatic and the scheduled classes.

(2) The stage at which the communal rotation specified in sub-rule (1) shall commence when first applied to the Service shall be determined by the Government.

(3) If a qualified and suitable candidate belonging to any community is not available for appointment to the Service in the turn allotted to that community under sub-rules (1) and (2) or under this sub-rule, a qualified and suitable candidate belonging to the community next in the order specified in sub-rule (1) shall, if available, be appointed: but the former community shall have a preferential claim for consideration when any subsequent appointment is to be made to the Service, until a suitable and qualified candidate belonging to that community has been appointed against that claim.

(4) Where a probationer belonging to any community is discharged from the Service otherwise than for want of a vacancy therein, such community shall have a preferential claim for consideration when any subsequent appointment is to be made to the Service until a suitable and qualified candidate belonging to that community has been appointed against that claim.

[13th December 1938

(5) If, when an appointment to the Service is to be made, there are two or more communities having a preferential claim under sub-rule (3) or sub-rule (4), that community shall receive first consideration whose preferential claim first arose.

6. *Qualifications.*—(1) No person shall be eligible for appointment to the Service unless he—

(i) is either a British subject as defined in section 1 of the British Nationality and Status of Aliens Act, 1914, or a subject of a State in India who has resided in the Province of Madras, for a period of not less than ten years immediately preceding the date of his application;

(ii) possesses the qualifications specified in Annexure I;

(iii) when recruited direct has not attained the age of 30;

(iv) is of sound health, good physique and active habits, and free from any bodily defect or infirmity unfitting him for the Service; and

(v) satisfies the Government that his character and antecedents are such as to qualify him for the Service.

(2) Notwithstanding anything contained in clause (ii) of sub-rule (1) the Government may by order direct that persons possessing merely Mechanical Engineering qualifications shall not be eligible for appointment to the Service or restrict the number of such persons to be appointed to the Service.

7. *Probation.*—(1) No person shall be eligible for appointment as a full member of the Service until he has been on probation in the Service for a total period of two years on duty within a continuous period of three years.

(2) Within the period of probation, a probationer shall, unless he has already passed the test, pass the third-class test in any two of the following languages, namely, Tamil, Telugu, Malayalam, Kannada and Hindustani. A person whose mother tongue is one of the above languages or who has taken one of the above languages for his University degree, shall be required to pass the test only in one other of the above languages and a person whose mother tongue is one of the above languages and who has taken another of the above languages for his University degree or who has taken two of the above languages for his University degree shall not be required to pass any language test.

Explanation.—The exemption provided in this sub-rule from passing the test in a language which is a person's mother tongue is subject to the condition that he satisfies the appointing authority that he can read and write in that language.

(3) At any time before the expiry of the period of probation, the Government may, at their discretion, by order, terminate the probation of a probationer and discharge him from the Service.

13th December 1938]

(4) (i) If within the prescribed period of probation or, where the probation has been extended under clause (ii), within the period for which the probation has been extended, the probationer fails to pass the test referred to in sub-rule (2) the Government shall forthwith by order discharge him from the Service.

(ii) If a probationer has appeared within the prescribed period of probation for the test which he has not passed and the results of such test are not known before the expiry of such period he shall continue to be on probation until the publication of the results of such test. In case the probationer fails to pass the test the Government shall forthwith, by order, discharge him from the Service or extend his probation for a period not exceeding one year.

(iii) Any delay in the issue of an order discharging a probationer under clause (i) or clause (ii) shall not entitle him to be deemed to have satisfactorily completed his period of probation.

(5) If, at the end of the prescribed period of probation, the Government consider the probationer to be suitable for full membership of the Service, they shall as soon as possible or in cases falling under clause (ii) of sub-rule (4) where the probation has not been extended as soon as possible after the probationer has passed the test for which he has appeared, issue an order declaring the probationer to have satisfactorily completed his period of probation. On the issue of such order the probationer shall be deemed to have satisfactorily completed his period of probation on the date of the expiry of the prescribed period of probation.

(6) If, at the end of the prescribed period of probation, the Government consider that the probationer is not suitable for full membership of the Service, they shall, by order, discharge him from the Service, or extend his probation for a period not exceeding one year.

(7) In cases not falling under clauses (i) and (ii) of sub-rule (4), if no order is issued by the Government under sub-rule (5) within three months after the expiry of the prescribed period of probation, or, as the case may be, within three months after the expiry of the period for which the probation was extended, the probationer shall be deemed to have satisfactorily completed his period of probation on the date of the expiry of the prescribed period of probation or, as the case may be, on the date of the expiry of the period for which the probation was extended.

(8) In cases falling under clause (ii) of sub-rule (4), if the candidate has passed the test for which he has appeared and no order is issued by the Government under sub-rule (5) within three months after the expiry of the prescribed period of probation or within one month of the publication of the results of the test,

[13th December 1938

whichever is later or, as the case may be, within three months after the expiry of the period for which the probation was extended, the probationer shall be deemed to have satisfactorily completed his period of probation on the date of the expiry of the prescribed period of probation or, as the case may be, on the date of the expiry of the period for which the probation was extended.

(9) An order discharging a probationer issued under sub-rule (3) or clause (i) or clause (ii) of sub-rule (4) or sub-rule (6) shall have effect from the date on which the probationer is discharged.

8. *Appointment of full members.*—An approved probationer shall, if a substantive vacancy in the permanent cadre exists, be appointed by the Government to be a full member of the Service at the earliest opportunity and if such vacancy existed from a date previous to the issue of the order of appointment, he may be so appointed with retrospective effect from such date, or, as the case may be, from such subsequent date from which he was continuously on duty as a member of the Service:

Provided that where more than one approved probationer is available for such appointment as full member, the seniormost approved probationer shall be appointed.

9. *Special provision for the appointment of members.*—(1) Notwithstanding anything contained in rules 5, 6, 7 and 8, it shall be open to the Government to appoint as probationers or approved probationers or full members of the Service, direct, persons who are already serving or have served as Local Fund Assistant Engineers in any of the district boards.

(2) In the case of persons admitted as probationers under sub-rule (1) they shall be entitled to count their previous service under the district boards towards their probation in the Service only if and to the extent, permitted by the Government.

10. *Seniority in the Service.*—(1) The seniority of a person appointed to the Service under rule 9 shall be determined by the Government.

(2) (i) The seniority of a person who is appointed to the Service otherwise than under rule 9, shall be determined by the date of his first appointment to the Service:

Provided that, if any portion of the Service of a member does not count towards his probation, his seniority shall be determined by the date of the commencement of his service which counts towards probation.

(ii) Where the date by which seniority is determined under clause (i) is the same in the case of two or more members of the Service, their seniority *inter se* shall be determined by the Government.

13th December 1938]

(3) A member of the Service shall, unless he is reduced in seniority as a punishment retain seniority as determined by sub-rules (1) and (2) throughout his service, notwithstanding any delay in the completion of his probation or in his appointment as a full member of the Service.

11. *Pay.*—(1) There shall be paid to a probationer a pay at the minimum rate admissible to a full member of the Service.

(2) There shall be paid to an approved probationer or a full member of the Service a pay calculated in the scale of Rs. 150—20/2—250 Efficiency bar 25/2—350.

(3) A member of the Service shall be eligible to draw increments from the date on which he completes his period of probation satisfactorily and shall also be entitled to count the period of probation for purposes of increment.

(4) The Government shall have power to fix the initial pay of a person appointed to the Service at any suitable stage in the scale of pay specified in sub-rule (2) and if the person appointed has already been drawing a pay more than Rs. 350, to sanction personal pay equal to the difference.

12. *Postings and Transfers.*—Probationers, approved probationers and full members of the Service shall be liable to transfer to any of the district boards. Postings and transfers shall be made by the prescribed authority.

13. *Pay and Allowances.*—The pay, leave allowances, contribution to Provident Fund, pensionary contribution, and when on transfer from one district to another the travelling allowance, of members of the Service (including persons appointed temporarily under rule 4), and the cost of the staff employed to administer the Service (including leave and pensionary contributions) shall be met from a fund called the "Central Fund." The Central Fund shall be constituted out of the amounts recovered from the district boards by adjustment of the maximum annual grants payable to them for the maintenance of important marketing roads and shall be administered by the prescribed authority subject to such provisions as to detailed working as may from time to time be determined by the Government.

14. *Pension and Provident Fund.*—A member of the Service shall not be eligible for pension, but shall subscribe to the Provident Fund maintained by the district board:

Provided that persons who were under any pensionary scheme at the time of their appointment to the Service shall continue to remain under such scheme.

[13th December 1938

15. *Leave and Leave Salary.*—(1) The leave and leave salary of the members of the Service shall be regulated

(i) by the Fundamental Rules if at the time of their appointment, being in Government, Municipal or Local Board Service, they were or shall be governed by the Fundamental Rules and had not elected or shall not have elected to be governed by the Madras Leave Rules, 1933; and

(ii) in all other cases by the Madras Leave Rules, 1933.

(2) The prescribed authority may grant leave to the members of the Service under the Fundamental Rules or the Madras Leave Rules, 1933, as the case may be.

16. *Travelling Allowance.*—(i) (*a*) The travelling allowance of members of the Service for journeys on tour and for transfers within the district shall be paid from the funds of the district board concerned; and

(*b*) the travelling allowance of members of the Service for transfers from one district to another shall be paid from the Central Fund referred to in rule 13.

(ii) The travelling allowance of members of the Service shall be regulated by the Madras Travelling Allowance Rules.

17. *Discipline and Conduct.*—In matters affecting discipline and conduct, the members of the Service shall be under the control of the prescribed authority. They will work under the orders and immediate supervision of the respective District Board Engineers.

18. *Conditions of Service.*—Except to the extent expressly provided in these rules, the Fundamental Rules issued from time to time under the authority of the Government shall apply to the members of the Service.

ANNEXURE I.

Minimum qualifications for the post of an Assistant Engineer.

[Referred to in rule 6 (1) (ii).]

(*a*) The Engineering Certificate of the Thomason Civil Engineering College, Roorke; or

(*b*) a pass in Parts A and B of the Associate Membership examination of the Institution of Engineers (India); or

(*c*) one of the Engineering degrees of Indian Universities mentioned in Schedule I; or

(*d*) an Engineering degree of one of the Universities mentioned in Schedule II under the conditions mentioned in that schedule; or

(*e*) a pass in sections A and B of the Associate Membership examination of the Institution of Civil Engineers; or

(*f*) a pass in the Associate Membership examination of the City and Guilds Institute (Imperial College of Science and Technology, South Kensington) in Engineering; or

(*g*) a pass in the Associate Membership examination of the Institution of Mechanical Engineers; or

(*h*) a pass in the Associate examination of the Bengal Engineering College in Mechanical Engineering; or

(*i*) the Civil or Mechanical Engineering Certificate of the College of Engineering, Guindy, obtained in or before 1938.

13th December 1938]

SCHEDULE I.

B.E. of the Bombay University.

B.E. of the Calcutta University (College of Engineering, Sibpur).

B.E. of the Madras University.

B.Sc. (Engineering) of the Benares Hindu University.

B.E. of the Mysore University.

SCHEDULE II.

Oxford.—B.A. with Honours in the Engineering Science Final Honours School.

Cambridge.—B.A. with Honours in Mechanical Science Tripos or ordinary degree (B.A.) in Engineering, provided the graduate has passed in the principal subjects, Engineering I, Engineering II and Engineering III.

St. Andrews.—B.Sc. in Engineering (Honours or Ordinary degree).

Glasgow.—B.Sc. in Civil or Mechanical Engineering (Honours or Ordinary degree).

Edinburgh.—B.Sc. in Engineering (Honours or Ordinary degree).

Dublin.—B.A. I (Ordinary or with Honours in Engineering).

Durham.—B.Sc. in Civil or Mechanical Engineering (Honours or Ordinary degree).

London.—B.Sc. (Internal degree) in Engineering, Ordinary or with Honours [not including the B.Sc. in Engineering (Mining) or the B.Sc. in Engineering (Metallurgy)]. The external degree is also accepted to the same extent, provided it is recognized by the Institution of Civil Engineers as exempting from sections A and B of the A.M.I.C.E. examination.

Victoria University, Manchester.—B.Sc. in Engineering (Honours degree or Ordinary degree) obtained in and after 1920. B.Sc. Technical in Mechanical Engineering (Higher course degree or Ordinary course degree with a first division pass in the Final Examination).

Birmingham.—B.Sc. in Civil or Mechanical Engineering (Honours or Ordinary degree).

Liverpool.—B. Engineering in Civil or Mechanical Engineering (Honours or Ordinary degree).

Leeds.—B.Sc. in Civil or Mechanical Engineering (Honours or Ordinary degree).

Sheffield.—B. Engineering in Civil or Mechanical Engineering (Honours degree or Ordinary degree with a first class in the Final Examination). A first class in the Final Examination will not be required in the cases of degrees obtained in or after June 1930.

Bristol.—B.Sc. in Civil or Mechanical Engineering (Honours or Ordinary degree).

University of Wales.—B.Sc. in Civil or Mechanical Engineering.

National University of Ireland.—B.E.

Queen's University, Belfast.—B.Sc. in Engineering.

Aberdeen.—B.Sc. in Engineering (Honours or Ordinary degree).

NOTE.—The above degrees will be accepted only if taken after three years' study and the passing of the regular examinations in the several Universities. The conditions as to three years' study will not, however, apply to Indians, who having taken an Indian degree, which exempts them from part of the University course, shall have taken one of the above degrees in less than three years in accordance with the regulations of the University concerned.

[13th December 1938

ANNEXURE II.

Scheduled Classes.

[Referred to in clause (11) of rule 1.]

Race, tribe or caste.

1 Adi-Andhra.
2 Adi-Dravida.
3 Adi-Karnataka.
4 Ajila.
5 Aranadan (also * P.T.).
6 Arunthuthiyar.
7 Baira.
8 Bakuda.
9 Bandi.
10 Bariki.
11 Battada.
12 Bavuri.
13 Bellara.
14 Byagari.
15 Chachati.
16 Chakkiliyan.
17 Chalavadi.
18 Chamar.
19 Chandala.
20 Charuman.
21 Dandasi.
22 Devendrakulathan.
23 Dombo (also * P.T.).
24 Ghasi.
25 Godagali.
26 Godari.
27 Godda.
28 Gosangi.
29 Haddi.
30 Hasla.
31 Holeya.
32 Jaggali.
33 Jambuvulu.
34 Kadan (also * P.T.).
35 Kalladi.
36 Kanakkan.
37 Karimpalan (also * P. T.).
38 Kattunayakan (also * P. T.).
39 Kodalo.
40 Koosa.
41 Koraga.
42 Kudiya (also * P.T.).
43 Kudubi (also * P.T.).
44 Kudumban.
45 Kuravan.
46 Kurichchan (also * P.T.).
47 Kuraman (also * P.T.).
48 Madari.
49 Madiga.
50 Maila.
51 Mala.
52 Mala Dasu.
53 Malasar (also * P.T.).
54 Matangi.
55 Mavilan (also * P.T.).
56 Moger.
57 Muchi.
58 Mundala.
59 Nalakayava.
60 Nayadi.
61 Pagadai.
62 Paidi.
63 Painda.
64 Paky.
65 Pallan.
66 Pambada.
67 Pamidi.
68 Panchama.
69 Paniyan.
70 Panniyandi.
71 Pano (also * P.T.).
72 Paraiyan.
73 Paravan.
74 Pulayan.
75 Puthirai Vannan.
76 Raneyar.
77 Relli.
78 Samagara.
79 Samban.
80 Sapari.
81 Semman.
82 Thoti.
83 Tiruvalluvar.
84 Valluvan.
85 Valmiki.
86 Vettuvan.

* P.T. = Primitive Tribe.

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